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REMARKS

This response is intended as a full and complete response to the final Office Action mailed October 16, 2007. In the Office Action, the Examiner notes that claims 1-5, 7, 9-26, 28, 30-47, 49 and 51-63 are pending. Claims 1, 4, 7, 9, 12-18, 22, 25, 28, 30, 33-39, 43, 46, 49, 51 and 54-60 are rejected, and claims 3, 5, 19-21, 24, 26, 40-42, 45, 47 and 61-63 are objected to.

In view of the following discussion, Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicant believes that all of these claims are now in allowable form.

Applicant does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

I. REJECTIONS UNDER 35 U.S.C. § 103

A. Claims 1, 4, 5, 7, 9, 12-14, 16, 22, 25, 28, 30, 33-35, 37, 42, 46, 47, 49, 51, 54-56 and 58

The Examiner has rejected claims 1, 4, 5, 7, 9, 12-14, 16, 22, 25, 28, 30, 33-35, 37, 42, 46, 47, 49, 51, 54-56 and 58 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 6,510,209 to Cannon, U.S. Patent 6,141,058 to Lagoni, and U.S. Patent 5,729,280 to Inoue and the MSN Web Messenger Reference (hereinafter "MSN") and U.S. patent 6,349,410 to Lortz (of record). The Applicant assumes that the Examiner meant to reject claim 43 and not claim 42, as the Examiner has indicated that 42 is allowable. In addition, the Applicant assumes the Examiner inadvertently included claims 5 and 47, as the Examiner also indicated claims 5 and 47 are allowable. The Applicant proceeds under such assumption.

In response, the Applicant herein cancels claims 1, 7, 9, 22, 28, 30, 43, 49 and 51 without prejudice. As such, the rejection with respect to these claims is now moot. The Applicant reserves the right to file one or more continuation or divisional applications to pursue these claims at a later time.

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With respect to claims 4, 12-14, 16, 25, 33-35, 37, 46, 54-56 and 58, the Applicant amended independent claims 3, 24 and 45 into allowable independent claim form. Moreover, claims 4, 12-14, 16, 25, 33-35, 37, 46, 54-56 and 58 either depend from or are now amended to depend from, directly or indirectly, from allowable claims 3, 24 and 45, respectively. Therefore, for at least the reasons that claims 3, 24 and 45 are allowable, the Applicant respectfully submits that claims 4, 12-14, 16, 25, 33-35, 37, 46, 54-56 and 58 are also allowable for at least the same reasons. As such, the Applicant respectfully request the rejection with respect to claims 4, 12-14, 16, 25, 33-35, 37, 46, 54-56 and 58 be withdrawn.

35 U.S.C. §103 Rejection of Claims 15, 36 and 57

The Examiner has rejected claims 15, 36 and 57 as being unpatentable over Abecassis in view of Cannon, Lagoni, Inoue, MSN and Lortz in further view of U.S. Patent 6,543,053 to Li (hereinafter "Li"). Applicant respectfully traverses the rejection.

Claims 15, 36 and 57 depend indirectly from independent claims 3, 24 and 45. As such, Applicant submits that dependent claims 15, 36 and 57 are not obvious and are patentable under 35 U.S.C. §103 for at least the same reasons claims 3, 24 and 45 are allowable. Therefore, the Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 17, 38 and 59

The Examiner has rejected claims 17, 38 and 59 as being unpatentable over Abecassis in view of Cannon, Lagoni, Inoue, MSN and Lortz in further view of U.S. Patent 6,052,508 to Mincy (hereinafter "Mincy"). Applicant respectfully traverses the rejection.

Claims 17, 38 and 59 depend directly or indirectly from independent claims 3, 24 and 45. As such, Applicant submits that dependent claims 17, 38 and 59 are not obvious and are patentable under 35 U.S.C. §103 for at least the same reasons claims 3, 24 and 45 are allowable. Therefore, the Applicant respectfully requests that the Examiner's rejection be withdrawn.

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35 U.S.C. §103 Rejection of Claims 18, 39 and 60

The Examiner has rejected claims 18, 39 and 60 as being unpatentable over Abecassis in view of Cannon, Lagoni, Inoue, MSN and Lortz in further view of the ReplayTV manual (hereinafter "ReplayTV"). Applicant respectfully traverses the rejection.

Claims 18, 39 and 60 depend directly or indirectly from independent claims 3, 24 and 45. As such, Applicant submits that dependent claims 18, 39 and 60 are not obvious and are patentable under 35 U.S.C. §103 for at least the same reasons claims 3, 24 and 45 are allowable. Therefore, the Applicant respectfully requests that the Examiner's rejection be withdrawn.

II. ALLOWABLE CLAIMS

Claims 3, 5, 19-21, 24, 26, 40-42, 45, 47 and 61-63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the indication of allowable subject matter with respect to claims 3, 5, 19-21, 24, 26, 40-42, 45, 47 and 61-63. Responsive to the Examiner, the Applicant herein amends claims 3, 19, 24, 40, 45 and 61 into independent form. Therefore, the Applicant respectfully submits that the claims are now in allowable form and respectfully request the objection be withdrawn.

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CONCLUSION

Thus, Applicant submits that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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